

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH WILLIAM DROPALSKI,

Petitioner,

v.

BELINDA STEWART,

Respondent.

Case No. C06-5697 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DENYING  
WRIT OF HABEAS CORPUS AND  
DISMISSING PETITION WITH  
PREJUDICE

The Magistrate Judge recommends this habeas corpus petition be denied and dismissed with prejudice as barred by the statute of limitations, 28 U.S.C. § 2244(d). As detailed by the Magistrate Judge, the one-year statute of limitations has run and the habeas corpus petition is time-barred.

On April 19, 2007, this Court granted Petitioner additional time to file objections to the Report and Recommendation. Petitioner filed objections on May 23, 2007. Petitioner's assertion that he is entitled to "gap tolling" and/or relief from the federal habeas corpus statute of limitations contained in the Antiterrorism and Effective Death Penalty Act, 28 U.S.C. 2244(d), is unpersuasive.

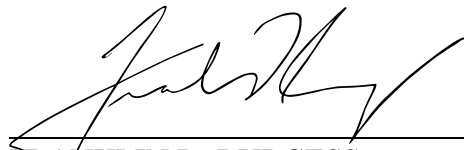
The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Magistrate Judge Karen L. Strombom, Petitioner's Objection, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation;

1 (2) Petitioner's writ of habeas corpus [Dkt. # 5] is **DENIED** and **DISMISSED WITH**  
2 **PREJUDICE**; and

3 (3) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
4 Respondent, and to the Hon. Karen L. Strombom.

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6 DATED this 1<sup>st</sup> day of June, 2007.

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10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
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